



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Günzburg et al.
Serial No. : 09/610,215 Examiner: David Lambertson
Filed : July 5, 2000 Group Art Unit: 1636
For : RECONSTITUTING RETROVIRAL VECTOR (RECON
VECTOR) FOR TARGETED GENE EXPRESSION

ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

12/17/03

Date of Deposit

Lisa B. Kole

Attorney Name

Lisa B. Kole

Signature

35,225

Patent Reg. No.

12/17/03

Date of Signature

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's attorneys of record hereby assert, based on a determination made pursuant to 37 C.F.R. 1.127(f), that Institut für Virologie, Teilrechtsfähiges Institut an der Veterinärmedizinischen Universität Wien. ("Institut für Virologie"), owner of the entire right, title and interest in and to the above-identified application is entitled to small entity status as defined in 37 C.F.R. 1.127(a). In support of the assertion, Applicants submit two enclosed Statement Claiming Small Entity Status documents, one executed by the head of the Institut für



**Statement Claiming Small Entity Status
(37 CFR 1.9(f) & 1.27(c)) – Small Business Concern**

Applicant: Institut für Virologie, Teilrechtsfähiges Institut an der Veterinärmedizinischen Universität Wien, Veterinärplatz 1, A-1210 Wien, Austria

Application No.: 09/610,215

Filed: July 5, 2000

Title: Reconstituting Retroviral Vector (ReCon Vector) for Targeted Gene Expression

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below

Name of Small Business Concern: FSG Biotechnologie GmbH - Austrianova

Address of Small Business Concern: Veterinärplatz 1, A-1210 Wien, Austria

No. of Employees: less than 35

Average Gross Receipts: less than 350.000 US\$

I hereby state that the small business concern identified above qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

**Institut für Virologie, Teilrechtsfähiges Institut an der Veterinärmedizinischen Universität,
Wien, Veterinärplatz 1, A-1210 Wien, Austria**

I acknowledge the duty to file, in the application or patent, notification of any changes in status resulting in loss or entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b))

Name of Person Signing: Dr. Brian Salmons

Title of Person Other Than Owner:: Managing Director Science

Address of Person Signing: Weyprechtgasse 10, A-2340 Mödling, Austria

Signature B. Salmons **Date:** 1st September 2003

AUSTRIANOVA

FSG BIOTECHNOLOGIE GMBH
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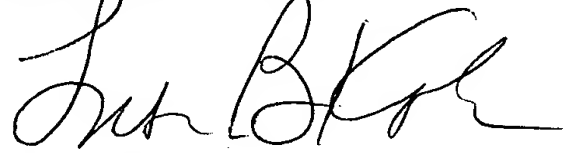
Virologie and one executed by the managing science director at FSG Biotechnologie GmbH – Austrianova, a licensee of interest in the above-identified application.

Applicants believe no fee is due for this communication. The Commissioner is hereby authorized to charge payment of any fees, or credit any overpayment made, in connection with this communication to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BAKERBOTTTS L.L.P.

By:



Lisa B. Kole

Patent Reg. No. 35,225

30 Rockefeller Plaza
44th Floor
New York, NY 10112
(212) 408-2502

Attorney for Applicants

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Attorney for Applicants



**Statement Claiming Small Entity Status
(37 CFR 1.9(f) & 1.27(d)) – Nonprofit Organization**

Applicant: Institut für Virologie, Teilrechtsfähiges Institut an der Veterinärmedizinischen Universität Wien, Veterinärplatz 1, A-1210 Wien, Austria

Application No.: 09/610,215

Filed: July 5, 2000

Title: Reconstituting Retroviral Vector (ReCon Vector) for Targeted Gene Expression

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below

Name of Nonprofit Organization: Institut für Virologie, Teilrechtsfähiges Institut an der Veterinärmedizinischen Universität Wien

Address of Nonprofit Organization: Veterinärplatz 1, A-1210 Wien, Austria

Type of Nonprofit Organization: University

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in the application identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

FSG Biotechnologie GmbH – Austrianova
having its place of business at Veterinärplatz 1, A-1210 Wien, Austria

I acknowledge the duty to file, in the application or patent, notification of any changes in status resulting in loss or entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b))

Name of Person Signing: Prof. Walter H. Günzburg
Title in Organization of Person Signing: Head of the Institut für Virologie
Address of Person Signing: Weyprechtgasse 10, A-2340 Mödling, Austria

Signature _____

Date: _____

1st Sept 2003

